

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

ABDUL SHAHEED,	:	
	:	
Petitioner	:	CIVIL ACTION NO. 3:12-2375
	:	
v.	:	(MANNION, D.J.)
	:	(MEHALCHICK, M.J.)
UNITED STATES PAROLE COMMISSION, et al.,	:	
	:	
Respondents	:	

MEMORANDUM

Pending before the court is the report and recommendation of Judge Mehalchick, (Doc. [24](#)), recommending that plaintiff's unopposed motion to voluntarily dismiss his petition for writ of habeas corpus without prejudice, (Doc. [23](#)), be granted.

I. STANDARD OF REVIEW

When objections are timely filed to the report and recommendation of a magistrate judge, the district court must review *de novo* those portions of the report to which objections are made. [28 U.S.C. §636\(b\)\(1\)](#); [Brown v. Astrue, 649 F.3d 193, 195 \(3d Cir. 2011\)](#). Although the standard is *de novo*, the extent of review is committed to the sound discretion of the district judge, and the court may rely on the recommendations of the magistrate judge to the extent it deems proper. [Rieder v. Apfel, 115 F.Supp.2d 496, 499 \(M.D.Pa. 2000\)](#) (citing [United States v. Raddatz, 447 U.S. 667, 676 \(1980\)](#)).

For those sections of the report and recommendation to which no objection is made, the court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” [Fed. R. Civ. P. 72\(b\)](#), advisory committee notes; see also [Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 \(M.D.Pa. 2010\)](#) (*citing* [Henderson v. Carlson, 812 F.2d 874, 878 \(3d Cir. 1987\)](#) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. [28 U.S.C. §636\(b\)\(1\)](#); Local Rule 72.31.

II. DISCUSSION

Petitioner’s motion represents that he received a new parole hearing and has been granted parole, effective September, 2014. Because he has received his requested relief, petitioner requests that he be permitted to dismiss his petition. Respondents do not object to the dismissal. For these reasons, Judge Mehalchick’s report recommends granting petitioner’s motion pursuant to [Fed.R.Civ.P. 41\(a\)\(2\)](#) and Fed.R.Civ.P. 81(a)(4)(applying Federal Rules of Civil Procedure to habeas corpus proceedings). The court agrees.

III. CONCLUSION

Judge Mehalchick's report and recommendation is **ADOPTED IN FULL** and petitioner's motion to voluntarily dismiss without prejudice is **GRANTED**. The petition for writ of habeas corpus, (Doc. [1](#)), is **DISMISSED WITHOUT PREJUDICE**. The Clerk is directed to close the case. A separate order shall issue.

s/ *Malachy E. Mannion*
MALACHY E. MANNION
United States District Judge

Date: April 28, 2014

O:\Mannion\shared\MEMORANDA - DJ\ CIVIL MEMORANDA\2012 MEMORANDA\12-2375-01.wpd